

BUREAU OF AUTOMOTIVE REPAIR

INITIAL STATEMENT OF REASONS

HEARING DATES:

October 30, 2002

**SUBJECT MATTER OF
PROPOSED REGULATIONS:**

Definitions; "Clean Piping"

SECTIONS AFFECTED:

§ 3340.1, Title 16, Division 33, Chapter 1,
Article 5.5, California Code of Regulations

SPECIFIC PURPOSE OF REGULATORY PROPOSAL:

The proposed regulatory action would add a specific definition for "clean piping" to Section 3340.1, as contemplated in Health and Safety Code section 44072.10(d)(1). This statutory provision (§ 44072.10(d)(1)) appears to suggest that the Bureau is directed to define the term "clean piping." Therefore, the Bureau proposes to define the subject term in order to clarify its meaning, standardize its usage and comply with the provisions of Health and Safety Code section 44072.10(d)(1).

FACTUAL BASIS:

The Bureau of Automotive Repair (Bureau), within the Department of Consumer Affairs, is the state agency charged with the administration and implementation of the Smog Check Program (Program). The Program is designed to reduce emissions from mobile sources, such as passenger vehicles and trucks, by requiring that these vehicles meet specific in-use emissions standards as verified by periodic inspections. To ensure uniform and consistent vehicle testing, the Bureau licenses smog check stations and technicians and certifies inspection equipment.

Section 44072.10 of the Health and Safety Code provides, in pertinent part, that the department shall revoke the license of any smog check station licensee or smog check technician who fraudulently certifies or participates in the fraudulent certification of vehicles. Section 44072.10 also specifies that fraudulent certification includes "clean piping, as defined by the department." There is no formal definition of the term "clean piping" in statute or regulation, and Section 44072.10(d)(1) has been interpreted to require the Bureau to formally define the term "clean piping."

UNDERLYING DATA:

None.

BUSINESS IMPACT:

These regulations will not have a significant adverse economic impact on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

These regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES:

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

No reasonable alternative has been considered or identified.